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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/552,167

11/13/2006

Martin V. Lowson

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2031

39878

7590

09/18/2008

MH2 TECHNOLOGY LAW GROUP, LLP

1951 KIDWELL DRIVE

SUITE 550

TYSONS CORNER, VA 22182

EXAMINER

SMITH, JASON C

ART UNIT

PAPER NUMBER

3617

MAIL DATE

DELIVERY MODE

09/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/552,167	Applicant(s) LOWSON ET AL.	
	Examiner Jason C. Smith	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/13/2006 and 06/11/2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statements (IDS) submitted on 11/13/2006 are being considered by the examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by <http://web.presby.edu/~jtbell/transit/sanfrancisco/bart/> (June 1997). The following link discloses a picture taken in early June 1997 that shows a station in a personal rapid transit system, the station comprising a guideway portion bounded on at least one side by a platform, the width of the guideway portion being sufficient for traveling vehicles of the system to travel along a transit path in normal travel direction of the vehicles unobstructed by vehicles parked against the platform, the platform extending generally parallel to the transit path, and comprising a plurality of bays for receiving parked vehicles, each bay being defined by a respective parking section of the platform edge, which parking section extends obliquely to the transit path, whereby a steered vehicle of the system can move from the transit path; while maintaining a forwards travel direction

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of the vehicle, to park against the section of the platform edge of a respective one of the bays by turning from the transit path through an acute angle. The use of a bypass in order to redirect transit vehicles from the main guideway of the system is a well-known technique for the person skilled in the art and falls within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can readily be foreseen.



Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 11-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawyer (4,061,089) in view of Tanaka (JP11209926).** Sawyer discloses a station in a personal rapid transit system (See Figure 1 and 10) comprising a main track along which vehicles of the system travel between a departure station and a destination station, the station being provided on a bypass track which is branched from the main track. From this, the subject-matter of independent claim 11 differs in that the bypass track extends through the station at a level below that of the stretch of the main track which passes through the station. The configuration of the bypass track is a purely a matter of design. Sawyer does not disclose the station at a level below that of the main track however; Tanaka does disclose a station at a level below that of the main track (0002) (See Figure 2). At the time of the invention, it would have been obvious to a person of ordinary skill in the art to provide a station at a level below the main track disclosed in Sawyer in view of the teaching of Tanaka. The motivation for doing so would have been to minimize obstruction to road traffic.

6. **Claims 18-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sawyer (4,061,089).** Sawyer discloses a station in a personal rapid transit system comprising a main track along which vehicles of the system travel between a departure station and a destination station, the station being provided on a bypass track which is branched from the main track (See Figure 1 and 10). From this, the subject-matter of independent claim 11 differs in that the bypass track extends through the station at a

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level below that of the stretch of the main track which passes through the station.

However, Sawyer does not disclose two bypass tracks. The configuration of the bypass track is a purely a matter of design. It would have been considered obvious to one of ordinary skill in the art, at the time the invention was made, to have two bypass tracks, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8. The motivation for doing so would have been to increase the capacity of the station.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason C. Smith whose telephone number is (571) 270-5225. The examiner can normally be reached on M- F, 7:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. Joseph Morano/
Supervisory Patent Examiner, Art Unit 3617

/Jason C Smith/
Examiner, Art Unit 3617